

REMARKS/ARGUMENTS

I. Introduction:

Claims 1, 4, 15, and 18 are amended and claim 14 is canceled herein. Claim 19 was previously canceled. With entry of this amendment, claims 1-13 and 15-18 will be pending.

II. Specification:

The abstract has been amended as requested by the Examiner. More specifically, the term "said" has been replaced with "the".

III. Claim Objections:

Claims 1, 4, and 15 have been amended to replace "and/or" with --or--.

Accordingly, the claim objections should be withdrawn.

IV. Double Patenting:

A Terminal Disclaimer is filed herewith to obviate the double patenting rejection.

V. Claim Rejections - 35 U.S.C. 101:

Claim 18 has been amended to recite a computer-readable storage medium encoded with a computer program. Claim 18, as amended, is believed to comply with the requirements of 35 U.S.C. 101.

VI. Claim Rejections - 35 U.S.C. 102 and 103:

Claims 1-5, 11, and 14-18 stand rejected under 35 U.S.C 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0257999 (MacIsaac).

Claim 1 is directed to a method of estimating traffic values or intervals in a communications network. The network includes a plurality of nodes connected by links. The method includes obtaining traffic data through the nodes or links as input data, obtaining network data relating to the network topology and network behaviour, and estimating the effect of a modification of the communications network or its behaviour by calculating traffic information between a selected first and a selected second node of the network using the input data.

MacIsaac is directed to detecting and disabling a source of network packet flooding. A packet flood detection device is interposed between a client computer and a server computer (Fig. 1). MacIsaac do not obtain network data relating to the network topology and network behaviour. In rejecting the claims, the Examiner refers to paragraph [0090] of MacIsaac. This paragraph describes how a packet flooding detector receives data traffic information at a point in a network being monitored. Information is provided to a burstiness estimation mechanism and a utilization estimation mechanism. The packet flood detection device does not obtain network data relating to the network topology and network behaviour. Instead, MacIsaac simply looks at traffic received at the detection device to determine if packet flooding occurs. MacIsaac is only concerned with the traffic received at the detector and is not concerned with network topology.

Furthermore, MacIsaac do not disclose estimating the effect of a modification of the communications network or its behaviour by calculating traffic information between a selected first node and a selected second node of the network using the input data. The Examiner refers to paragraph [0046] with respect to this limitation. This section of the patent application describes how the detection device samples network traffic. The data is used to estimate a measure of the burstiness of the network traffic, which is used to determine whether packet flooding is occurring. There is no teaching of estimating the

Since MacIsaac does not estimate the effect of a modification of the network, there is no selecting a candidate for modifying the network, as required by claims 9-11.

Claims 15-18 are submitted as patentable for at least the reasons discussed above with respect to claim 1.

Claims 6, 12, and 13 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over MacIsaac in view of U.S. Patent Application Publication No. 2003/0058798 (Fielscher et al.).

The Fielscher et al. patent application is directed to approximation methods for finding minimum cost flows with shared recovery strategies. Fielscher et al. disclose a linear program that may be used to model how to route traffic. Fielscher et al. do not overcome the deficiencies of the primary reference.

VII. Conclusion:

For the foregoing reasons, Applicant believes that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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